

11 SEP 1978

MEMORANDUM FOR: Director of Central Intelligence

25X1A VIA:

Deputy to the DCI for Resource Management

25X1A FROM:

Office of Performance Evaluation and Improvement

SUBJECT:

Meeting of the SPRC on Declassification of the
"fact of" US Satellite Photoreconnaissance on
13 September 1978 at 1530 Hours1. Purpose of the Meeting:

a. The meeting has been scheduled to discuss the proposed declassification of the "fact of" US satellite photoreconnaissance. The interagency paper containing a statement of the issues for decision and a discussion of the issues is at Tab A. I recommend that you read this paper in its entirety even though Sections D, E, and F pertain primarily to the related issue of declassification of photoreconnaissance imagery.

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b. [REDACTED] will accompany you to the meeting.

c. This memorandum contains some additional background on this issue, and the views of the Intelligence Community and other agencies (if known). Proposed talking points are at Tab B.

2. Background:

a. Presidential Directive/NSC-37, an outgrowth of the large interagency effort conducted as part of [REDACTED] was approved by the President May 11, 1978. In this Directive, the President directs that "The fact that the United States conducts satellite reconnaissance for intelligence purposes without disclosing the generic type of activity will be classified CONFIDENTIAL..."

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CLASSIFIED BY [REDACTED]
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 11652, EXEMPTION CATEGORY:
§ 55(1), (2), (3) or (4) (fill in one or more)
AUTOMATICALLY DECLASSIFIED ON
IMPDET

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(unless impossible, insert date or event)

B0 [REDACTED] 02000130002-7

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INTELLIGENCE COMMUNITY STAFF

September 11, 1978

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Stan:

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The attached briefing book will almost certainly be of interest to you even though you are not planning to attend the PRC (space policy) meeting on Wednesday. Because we were not sure until today that was the case, I asked [REDACTED] to prepare this book as if you were to attend.

I expect to represent you and [REDACTED] will accompany me.

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Top Secret

(Security Classification)

CONTROL NO. [REDACTED] 111751-78

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b. In May 1978, the Secretary of State advanced the idea of declassifying the "Fact Of" to meet the needs of the public debate about SALT II ratification. Secretary Vance proposed to do so in a low key and unobtrusive manner.

c. In June 1978, in response to Presidential direction, Dr. Frank Press, the President's Science Advisor, convened the NSC Space Policy Review Committee (SPRC), established recently under NSC/PD-37, to prepare an interagency space policy options paper for use during the fall budget cycle. In late June, Vance discussed his "Fact of" proposal with Brzezinski, who agreed to task Press to add this issue to the on-going space policy review. On 7 July, Admiral Murphy was informed by Office of Science and Technology Policy (OSTP) that the "Fact of" issue would be assigned to his task force on Equipment and Technology Overlap Between Civil, Military, and National Intelligence Space Programs (see OSTP Tasking Memo at Tab C). OSTP asked Murphy to "determine whether the benefits to be derived in defense of our foreign and defense policies sufficiently outweigh the potential risks." In the tasking memo, the declassification of "Fact of" is viewed as a first step towards the possibility of changing the current policy concerning utilization of information.

d. In a conversation with the Secretary of Defense on 15 June 1978 you discussed the State proposal and told him that your position was to:

- Declassify
- Do so in a very unobtrusive way, just casually start talking about the subject in response to questions, etc.
- Don't do so for a number of months until we have some of these leaks on sources and methods well behind us.

DCI position

You also noted that Secretaries Brown and Duncan agreed with this approach.

e. On 7 August, Vance and Warnke sent a memo to the President on SALT verification. This memo outlined public concerns over SALT verification, cited the limitations on government spokesmen because of the classification of "Fact of," and ended by recommending the declassification of the "fact of" satellite reconnaissance, including specifically photoreconnaissance. We do not have the Vance/Warnke memo; however, the key points are summarized at Tab D.

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f. Brzezinski, however, informed Vance and Warnke that he would delay forwarding their memo in keeping with the prior agreement to task Press to examine the subject as part of his space policy review. Brzezinski would also request Press to separate out this issue for earliest treatment by the SPRC.

g. The Task Force report on the "fact of" problem was forwarded to OSTP in late July and formed the basis for the current interagency issues paper. The information in the two reports is substantially the same; however, the tone of the Task Force report is far more cautious on the timing and benefits of a change to the "fact of" policy. I recommend that you read the Task Force report (Tab E) if time permits.

3. Issue for Decision:

Should a decision be made now on the declassification only of the fact that satellite photoreconnaissance is one of the national technical means used by the US for verification of compliance with SALT and other arms control agreements?

Option 1: The "fact of" should be declassified now and implementation plans should be developed prior to public announcement on the matter. Such plans could be prepared within a few weeks.

Option 2: Defer a decision on the declassification of the "fact of" for a few months to complete a more detailed review of the ramifications and a full and detailed execution plan.

4. Factors Bearing on the Issue:

a. Factors Bearing on the Decision to Declassify

Arguments in Favor of Declassification

--May enable government spokesmen to make a more effective case for a SALT II agreement.

--Would permit unclassified use of certain high resolution intelligence imagery and derived information.
(Note: this benefit is not explicitly cited in the "fact of" section of the interagency issue paper. It

RECOMMENDED
POSITION,
BUT COMPLETE
STUDY BY
MID-OCT.

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is, however, a major cited benefit in the discussion of this issue in the [REDACTED] Report (Tab F) and the 1976 Report of the Undersecretary's Committee (Tab G). The benefits and risks of declassification of photo-reconnaissance imagery are discussed in Sections D, E, and F of the interagency issue paper (Tab A).)

--Would add to government credibility by admitting to fact that is already widely known.

Arguments Against Declassification

--"Fact of" is first line of defense for security. There is concern about a succession of further inquiries and disclosures, particularly FOIA.

--Possible adverse Soviet reactions (see Tabs H, I, and J).

--Possible adverse reactions by other foreign countries, particularly developing countries in the UN Outer Space Committee (see Tab K).

--Declassification, alone, is of limited value for promoting a SALT II agreement. Release of "facts about" and derived imagery may be necessary but entail higher security and foreign policy risks.

--Declassification is an irreversible step that may have harmful consequences under changed world conditions (Tab L).

b. Factors Bearing on the Timing of the Decision

Arguments in Favor of a Decision Now

--Vance and Warnke are pressing for a decision now because they feel a proposed SALT II agreement is imminent.

--The Kampiles case, if it goes to trial on 30 October as scheduled, may force official acknowledgment of the "fact of." If we delay we will lose some of the benefits of this step. (See Tab M.)

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Arguments in Favor of Deferring a Decision for a Few Months

--Would allow time for preliminary discussions with Soviets and other countries to gauge their reactions.

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--Would allow time for discussions with Congress.

--Would allow time for preparation of a detailed
Implementation Plan.

--Would permit simultaneous decisions on "facts
about" and declassification of imagery.

--Would permit a full evaluation of the implications
of the Kampiles case.

5. Intelligence Community Views:

We have requested formal comments on the "fact of" issue from:

Under Secretary of the Air Force
Director, National Security Agency
Director, Defense Intelligence Agency
Director of Intelligence and Research,
Department of State
Director, National Foreign Assessment Center
Deputy Director for Administration
Deputy Director for Science and Technology
Deputy to the DCI for Collection Tasking

With the exception of State/INR, the comments received to date point out the limited benefits to be expected from declassification of only the basic "fact of," highlight some of the serious risks, and conclude by recommending that this step must be preceded by careful and thorough planning, including consideration of the release of "facts about" and product. I recommend that you read all of the comments at Tab N.

6. Agency Views:

a. Agency views, to the extent they are known at the staff level, are as follows:

Favoring Declassification Now (Option 1)

State
ACDA
NSC (Probable)

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Favoring Declassification of the "Fact of" After Careful
Planning (Option 2)

Defense
JCS
NASA

Favoring Declassification in Parallel with a Careful
Consideration of Release of the "facts about" and Product

OMB

7. Recommendation:

a. Except for the pressures resulting from the Kampiles prosecution, we see no compelling reason for a premature Presidential decision. The major uncertainties relate to unknown foreign and domestic reactions to this change in policy. These uncertainties should be resolved to the greatest extent possible before a Presidential decision is made. Any negative reactions should be brought to his attention.

b. We therefore recommend that you support Option 2. However, the completion of the study and the implementation plan should be scheduled for mid-October to allow time for a Presidential decision prior to the scheduled start of the Kampiles trial.

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